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COMMISSION ON HUMAN RIGHTS
Forty-eighth session
Agenda items 7, 10, 11 (a), 14, 20 and 22

QUESTION OF THE REALIZATION IN ALL COUNTRIES OF THE ECONOMIC, SOCIAL AND CULTURAL RIGHTS CONTAINED IN THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AND IN THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS, AND STUDY OF SPECIAL PROBLEMS WHICH THE DEVELOPING COUNTRIES FACE IN THEIR EFFORTS TO ACHIEVE THESE HUMAN RIGHTS, INCLUDING: PROBLEMS RELATED TO THE RIGHT TO ENJOY AN ADEQUATE STANDARD OF LIVING; FOREIGN DEBT, ECONOMIC ADJUSTMENT POLICIES AND THEIR EFFECTS ON THE FULL ENJOYMENT OF HUMAN RIGHTS AND, IN PARTICULAR, ON THE IMPLEMENTATION OF THE DECLARATION ON THE RIGHT TO DEVELOPMENT

QUESTION OF THE HUMAN RIGHTS OF ALL PERSONS SUBJECTED TO ANY FORM OF DETENTION OR IMPRISONMENT

FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING THE QUESTION OF THE PROGRAMME AND METHODS OF WORK OF THE COMMISSION: ALTERNATIVE APPROACHES AND WAYS AND MEANS WITHIN THE UNITED NATIONS SYSTEM FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

IMPLEMENTATION OF THE PROGRAMME OF ACTION FOR THE SECOND DECADE TO COMBAT RACISM AND RACIAL DISCRIMINATION

IMPLEMENTATION OF THE DECLARATION ON THE ELIMINATION OF ALL FORMS OF INTOLERANCE AND OF DISCRIMINATION BASED ON RELIGION OR BELIEF

RIGHTS OF THE CHILD

GE.92-10750/4225B

Letter dated 10 February 1992 from the Permanent Representative of Yugoslavia to the United Nations Office at Geneva addressed to the Under-Secretary-General for Human Rights

I have the honour to transmit herewith the "Memorandum of the Government of Yugoslavia on the crime of genocide in Croatia and the vandalizing of the memorial of Jasenovac" of the Federal Executive Council of the Socialist Federal Republic of Yugoslavia dated 31 January 1992.

I would like to request that the necessary arrangements be made to have the text of this information issued as an official document of the forty-eighth session of the Commission on Human Rights under agenda items 7, 10, 11 (a), 14, 20 and 22.

(Signed): Nasta Calovski
Ambassador
Permanent Representative

SOCIALIST FEDERAL REPUBLIC OF YUGOSLAVIA
FEDERAL EXECUTIVE COUNCIL

Belgrade, 31 January 1992

Memorandum of the Government of Yugoslavia on the crime of genocide in Croatia and the vandalizing of the memorial of Jasenovac

Feeling great responsibility and concern for the future development of the situation, not only in Yugoslavia, we regret to inform the United Nations Organization, international organizations, institutions and associations, renowned scholars, prominent personalities in the field of culture and public life, partisans of peace and democracy, true fighters for human rights and freedoms and the world public, that Croatian authorities and their paramilitary and illegal armed forces have committed, in 1991 and early 1992 for the second time in the past 50 years, the crime of genocide against the Serbian people in Croatia, as well as other crimes. In addition to physical liquidation, primarily of members of the Serbian population, Croatian authorities are using terror and issuing official orders to forcefully move citizens out of the territory of Croatia, with a view to creating ethnically homogenous areas. The Serbian population has seen the destruction of their property, cultural goods and objects of value, cultural and historical monuments, temples, national and cultural institutions. The Serbian population in Croatia has been demoted from a constituent nation to a national minority, stripped of its rights and humiliated, and it is their plight which lies at the heart of the conflicts in Croatia and Yugoslavia.

The facts stated in annexes I, II and III to this memorandum, are cases of flagrant violation of international law and are qualified by that law as the crime of genocide, based on the Convention of the United Nations General Assembly of 1948. Under the said Convention, the crime of genocide is understood to be: the intention to exterminate, totally or in part, a national, ethnic, racial or religious group; murder of members of such a group; heavy injuries of the physical or psychological integrity of members of such a group, international exposure of such a group to inhuman living conditions. According to this and other international norms, the crime of genocide does not fall under the statute of limitations, regardless of whether it was committed in time of war or peace.

We must also point out that the Memorial of Jasenovac has been vandalized as well, a memorial which covers the location of a former ustashi concentration camp on both banks of the Sava river, along a length of some 50 km, and includes the Memorial Museum and a number of memorial units, as well as a symbolical monument, the Stone Flower.

The vandalization of the memorial complex of Jasenovac and the destruction of cultural and religious property of Serbs in Croatia constitute gross violations of the Convention on the Protection of Cultural Goods in the Event of Armed Conflict endorsed on 14 May 1954 in The Hague, the Supplimentary Protocol to the Geneva Convention of 12 August 1949, and the Second Protocol of 1977 under which: "it is prohibited to commit any acts of

hostility against historical monuments, works of art or temples which constitute a nation's cultural or spiritual heritage, or use them to support military action", which is precisely what Croatia's armed formations have done on a large scale.

1. Proceeding from the facts stated above, the Yugoslav Government believes that there is sufficient evidence for the United Nations and other international organizations to identify and qualify genocidal acts committed by the Croation authorities. Therefore, we propose that action be taken by the United Nations to establish the real truth about the genocide which has been committed and condemn it in an appropriate manner.

2. The policy of genocide against Serbs in Croatia flagrantly tramples fundamental human rights and freedoms. We therefore feel justified in expecting the appropriate commissions of the United Nations to consider the violation of the human rights and freedoms of the Serbian and other nations or national minorities in Croatia, and the danger of their position.

3. We believe that the United Nations and its specialized organizations (UNESCO and others) will condemn the behaviour of the Croatian authorities in respect of historical, cultural and religious values and take measures for their protection, especially with regard to the memorial complex of Jasenovac. We propose that UNESCO, in accordance with the 1972 Convention on the Protection of World Natural and Cultural Heritage, establish a commission which would assess on the spot the scale of damage and vandalization to which the memorial complex of Jasenovac has been subjected.

4. Furthermore, we believe that it is necessary to put under the protection of appropriate international organizations and associations the members, monuments and symbols of anti-fascist struggle in Croatia.

5. The federal authorities in Yugoslavia are taking, for their part, all the necessary measures to bring criminal, moral and political action against the policy of genocide and protect its victims. In this effort, Yugoslavia, as a founding member of the United Nations, expects assistance and support from the entire democratic world public.

6. We call upon all international institutions, organizations and associations, as well as prominent individuals, to acquaint themselves with the facts stated in this memorandum and its annexes I, II and III, and to take whatever action is in their power to establish the truth, condemn genocide, alleviate the consequences and prevent such crimes from ever happening anywhere again.

Annex 1

1. REPETITION OF THE PHYSICAL, CULTURAL AND SPIRITUAL GENOCIDE AGAINST THE SERBIAN POPULATION IN CROATIA

A crime which under the provisions of international law has the nature of genocide is today once again being perpetrated against the Serbian population in the Republic of Croatia. We shall adduce only a few facts to substantiate this claim.

At the beginning of November 1991, the authorities and the armed formations of the Croatian army expelled from the region of Western Slavonija (Psunj, Papuk and Bilogora) over 25,000 old men, women and children of Serbian nationality. This irrational act was preceded by the decree of the so-called Crisis Headquarters of the Croatian authorities from Slavonska Požega, of 29 October 1991, ordering the evacuation of 24 Serbian villages within 48 hours.* On that occasion a total of 17 Serbian villages were completely destroyed and burned down. In that instance nearly 10,000 inhabitants fled to Bosnia alone from this region.

The area of the village of Torjanci, in Baranja, was on 30 November 1991, infiltrated by a larger sabotage-terrorist group which massacred nine inhabitants of the village.

On the territory of Western Slavonija (direction Novo Selo, Dragović, Kusonje), on 16 December 1991, three airplanes of the Croatian agricultural aviation, retrofitted for war operations, bombed a column of Serbian refugees from the regions of Psunj and Papuk, killing some and wounding some tens of civilians.

In the village of Divoš, near Osijek, when retreating, Croatian soldiers killed 24 inhabitants of Serbian nationality, of whom six were massacred. They chopped off three fingers of the right hand of Milenko Banjanin with an axe and split his skull with an iron wedge. A stake for burning captured members of the Yugoslav People's Army and territorial defence was found in the village.

In the small town of Petrinja, on 19 December 1991, members of the Croatian paramilitary formations burned Ankica Konjuh, 70 years old, former inmate of the concentration camp Jasenovac, alive, on the threshold of her home.

Arrests, followed by the liquidation of numerous citizens of Serbian nationality were carried out in Vukovar, Gospić, Daruvar, Ogulin, Pakračka Poljana, Zadar, Zagreb and other cities.

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* See annex II.

In Vukovar, members of the so-called Zengas (Croatian national guard) and Ustashi formations systematically banished or annihilated the Serbian and other non-Croatian population. This is testified to by statements by the banished citizens and families of the killed, as well as confessions by the Croatian authorities in Vukovar and other evidence.* After the liberation of Vukovar, on 18 November 1991, numerous collective graves of killed and massacred civilians were found, among which were the bodies of five children under the age of seven, slaughtered or killed by bullets at short range. A comprehensive investigation is currently under way of the crime of genocide and other grave crimes perpetrated in Vukovar and other settlements in Slavonia, Baranja and western Srem.

On 16 and 17 October 1991, several tens of Serbs were taken away from Gospić by force, and in the next few days tens of other members of this nation were led away from their jobs or disappeared, among them a large number of elderly people and children. At the end of December of last year and at the beginning of January this year, in the village of Siroka Kula and near Perušić, the bodies were found of 24 missing Serbs killed in the most ruthless way - by a shot in the back of the head or in the back, by having their throats cut, or otherwise as was confirmed by forensic medicine experts.

In Karlovac, on 21 September 1991, after first being shot in the legs, 13 members of the Yugoslav People's Army were slaughtered and then massacred, after they had surrendered to the members of the Ministry of Internal Affairs of the Republic of Croatia.

Among the 20 Orthodox priests arrested on 30 October 1991 was His Holiness Lukijan, Bishop of Slavonia.

Pressure is being exerted on the Serbian population in Croatia to move to other parts of Yugoslavia. According to the data of the Red Cross of Yugoslavia over 250,000 refugees of Serbian nationality have been registered. According to the latest data, a large number of citizens of Serbian nationalilty have been moved out from Zagreb under pressure. Serbs are losing not only their public functions but also their jobs. Up to now, about 120,000 Serbs in Croatia have been fired, because of their national affiliation. About 600 of their shops or businesses have been blown up, destroyed or damaged; several thousand of their flats, summer houses and other facilities have been destroyed after having been robbed. In the course of only one day, 90 small-scale businesses owned by Serbs were robbed and blown up in Zadar. According to a special war decree of F. Tudjman, President of Croatia, the police may enter flats without a warrant or decision, thus allowing the ruthless robbing, arrest and detention of citizens without any legal justification.

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* See annex III.

According to the data of the Institute for the Protection of Cultural Monuments, on the territory of Croatia, up to the end of October 1991, "71 Orthodox churches were destroyed or severely damaged", of which 27 were in the Eparchy of Slavonija, 18 in the Eparchy of Zagreb-Ljubljana, 14 in the Eparchy of Srem, 6 in the Eparchy of Gornji Karlovac and 6 in the Eparchy of Dalmatia.

The paramilitary formations of the Croatian army demolished, on 28 September 1991, the baroque complex of the court residence of the Pakrac Bishops, built in 1732, and set fire to the Pakrac Seminary. In the Orthodox cathedral they burned down the iconostasis and numerous icons, the bishophry library with 5,500 books including 120 books of invaluable cultural and historical value. The books destroyed included 50 dating from the 18th century. A unique copy of a "Sabornik", printed in Venice between 1536 and 1538 was also destroyed. The Church of St. Paraskeva in Kukunjevac dating from 1782 was also destroyed.

The crime against the civilian population of Serbian nationality continued in Croatia even after 3 January 1992, i.e. after the fifteenth negotiated truce and the cessation of military conflicts on a broader scale. On the basis of data collected in the municipalities of Slavonska Požega, Podravska Slatina, Daruvar, Grubisino Polje, Virovitica, Orahovica and Slavonski Brod, the Serbian population which did not flee to Bosnia-Herzegovina and Serbia is exposed to various forms of terror; killing, physical maltreatment, arrests. Whole villages once populated by inhabitants of Serbian nationality are being blown up, houses burned down and all material goods plundered. It is characteristic that on the whole these are areas which in the Second World War were also the site of the crime of genocide. By its latest measures, the present Croatian Government is not only continuing with the practices of the Ustashi-fascist authorities of 50 years ago, but is trying totally to eradicate the Serbian national identity from those regions with a view to creating an ethnically pure state.

2. JASENOVAC - THE SITE OF THE HOLOCAUST OF SERBS, JEWS, THE ROMANY AND ANTI-FASCISTS IN GENERAL

Holocausts of Serbs and other non-Croatian peoples, after the occupation of Yugoslavia and the establishment of the quisling Ustashi Independent State of Croatia, on 10 April 1941, were on the broadest scale. Ustashi propaganda constantly reiterated that "there was no place in Croatia" for Serbs and Jews, characterizing them as a "foreign element" and a "vital danger to Croats". On that basis the previously prepared programme of the crime of genocide was initiated and implemented. In carrying it out, by their sadism and pathology, the Ustashi surpassed even the Nazis themselves, who, by their fascist ideology, terrorist experience, racial theory and the negation of Yugoslavia were and remained the Ustashi ideal.

The quisling Independent State of Croatia, emulating Nazi Germany, established a number of concentration and collection camps, among which the complex of the camp of Jasenovac stands out by its size. It is the site of the most horrible holocaust of Serbs, Jews, the Romany and anti-fascists in general.

Jasenovac was the largest concentration camp in the quisling Independent State of Croatia, the third largest in Europe and the largest place of mass execution on the territory of Yugoslavia. In the system of the concentration camps of the Third Reich it had the status of a central camp. It was established in the village of Jasenovac, in the summer of 1941, on the banks of the Sava River, 100 km south of Zagreb, and it was liberated in April 1945. It has remained the epitome of the atrocities of the Ustashi rule and the crimes of genocide from 1941 to 1945.

On the basis of the report of the Commission for Establishing War Crimes and other established data, the number of victims in this camp was about 600,000 men, women, children, old and infirm people. Regrettably, the present President of the Republic of Croatia in his quasi-historical observations and public statements constantly reduces the number of victims of Jasenovac. Thus, from the rostrum of the Conference on Yugoslavia in The Hague, on 7 November 1991, in the face of Europe and of the world, he stated that "20,000 victims, all in all, not only Serbs, but also Jews, Croats, the Romany, anti-fascists, etc., perished in that Jasenovac".

The Encyclopaedia of the Holocaust, published in London and New York, states: "About 600,000 people were killed in Jasenovac, mainly Serbs, Jews, the Romany, and opponents of the Ustashi regime. The number of Jewish victims ranged between 20 and 25 thousand. Killing and brutality in the camp reached their peak at the end of 1942, when tens of thousands of Serbian peasants were deported to Jasenovac from areas where fighting was being waged against partisans on Mount Kozara. In April 1945, the partisan army neared the camp. Attempting to remove the traces of their bestiality, the Ustashi blew up all the installations and killed most of the prisoners."

The monstrous machinery of death was in daily operation in Jasenovac. The manner in which the victims were tortured and killed, the bestial maltreatment of the inmates, the killing of children and old people, the raping of daughters and the massacre of sons in the presence of powerless parents who met with the same destiny afterwards, the extermination of Serbs, Jews, and Gypsies, surpass anything that the sickest mind could imagine and carry out.

This horrible picture of the crime of genocide is supplemented by the fact that, under the decision of Ante Pavelić, head of the quisling Independent State of Croatia, of 12 July 1941, separate camps for children (in Gornja Reka near Križevci, Jastrebarsko and Sisak) were established. These were the only camps in Europe for "enemies of the order, in diapers". In Jasenovac itself, over 20,000 children, below the age of six, were slaughtered and killed in cruel ways.

3. DESECRATION OF THE MEMORIAL COMPLEX OF JASENOVAC - REPEATED GENOCIDE

The Jasenovac Memorial Complex is the resting place of the dead, and also a warning and lesson to the living, the symbol of a troubled time for all times and all people committed to freedom, justice and peace. It is the only monumental complex in Europe, symbolizing the struggle for peace and against fascism which has been ruthlessly desecrated over the whole period since the Second World War.

In view of the lasting messages of Jasenovac, its historic place in the suffering and the struggle against fascism, its eternal importance, especially in the conscience and feelings of the Serbian people, the Jews, the Romany and others, we announce with bitterness that the new Croatian authorities and their armed formations, during 1991, by force and in other ways grossly desecrated the Memorial Complex of Jasenovac. The following relevant facts testify to that.

The desecration of the Memorial Complex of Jasenovac, of its premises and site, began before the armed conflicts. Among other things, first the Ministry of Education, Culture and Religion of the Republic of Croatia, embarked on the official abolishment of the Memorial Complex, and the Assembly of the Republic of Croatia proclaimed a nature park, "Lonjsko polje", which was to include the Jasenovac Memorial Complex. The Government of the Republic of Croatia did not provide the regular financial means for the work on this Memorial Complex in 1991. It was only an introduction to and announcement of what was to ensue, especially as of September 1991. This act was an attempt to erase from historical memory the site of the most terrible crime of genocide.

At the end of September 1991, the paramilitary armed formations of the Republic of Croatia forcibly entered the Memorial Complex of Jasenovac and remained there until 8 October 1991, when this region was once again liberated. After previously blowing up and destroying the bridge over the Sava river which connects the two parts of this Memorial Complex, they destroyed the Memorial Complex and destroyed important evidence on the genocide carried out 56 years ago. A commission, set up for this purpose by the competent authorities, established that a large number of mortar missiles had hit Donja Gradina, where there were 34 craters made by explosions of mortar grenades. The bones displaced by the grenades disclosed another, up to now unknown, collective grave of the victims of Jasenovac. The greatest devastation took place on the left bank of the Sava river, located in the Republic of Croatia. The building housing the library, a storehouse of memorial exhibits and exhibiting space was demolished. Books, documents and other memorial materials were destroyed or damaged, and a large part taken away. Most of the cca.8 thousand of the most valuable museum exhibits were destroyed, damaged or taken away.

In response to the above-mentioned desecration, Jewish war veterans and the surviving prisoners of the camp of Jasenovac addressed a message to the Congress of the World Federation (FMAC), held in Helsinki on 20 October 1991. The message, inter alia, states: "The Memorial Centre in Jasenovac, the place of execution of Jews, Serbs and the Romany during World War II has been desecrated, the Memorial Museum containing documentation on the genocide perpetrated has been devastated".

On 22 December 1991, the Croatian paramilitary formations once again, in spite of the previously signed truce and notification to the Croatian authorities on the stay of the members of the Preparatory Group of the United Nations Peace-Keeping Mission opened artillery fire from launcher batteries, cannon and tanks on the Memorial Complex of Jasenovac and its broader victinity, lasting several hours. On that occasion the Museum was hit and suffered great damage, and the graveyards on the largest camp execution site, Donja Gradina, were also bombed.

Annex II

Of late, combat actions of chetnik terrorist forces and units of the Yugoslav Army are increasingly endangering the civilian population in the western part of the commune of Slavonska Požega; therefore, in order to protect their lives and provide for more successful action for our defence in that area, the Crisis Headquarters of the Commune of Slavonska Požega issued the following.

Order

1. Evacuate all civilians, their personal property (food, clothing and footwear, bed linen, toiletries, basic kitchen utensils, lighting, gold and money) and cattle from the following settlements: Oblakovac, Vučjak Očavački, Jeminovac, Snjegavić, Očavac, Koprivna, Rasna, Pasikovci, Kujnik, Orljavac, Crljenci, Sloboština, Milivojevci, Podsreće, Vranić, Nježić, Požeški Markovac, Klisa, Ozdrakovci, Poljanska, Kantrovci, Gornji Vrhovci, Lučinci and Oljasi within 48 (forty-eight) hours from the entry into force of this order.

2. The citizenry will be moved to other settlements in the area of Slavonska Požega of their own choice.

Citizens who have no place to go are to report to the reception teams of the Civil Defence, for evacuation to the following points of assembly: Ivandol, Deževci, Perenci, Toranj, and Biškupci.

3. This order shall take effect on 29 October 1991 at 12.00 a.m. and its duration shall depend on the time it takes for the situation in the said area to settle down.

4. Upon the expiry of the said period allowed for evacuation, all movement of civilians in the said area shall be prohibited.

Crisis Headquarters of the
Commune of Slavonska Požega

Annex III

CONFIDENTIAL

Republic of Croatia
Commune of Vukovar
Representative of the Government of Croatia
in the Commune of Vukovar

Ref.: 814-01/91-01-01
Reg. No.: 2196-01-91-5

Vukovar, 18 August 1991

Attention: PRESIDENT OF THE REPUBLIC OF CROATIA
PRIME MINISTER OF THE REPUBLIC OF CROATIA
MINISTER OF DEFENCE
MINISTER OF INTERNAL AFFAIRS

Subject: Political and security situation in the commune of Vukovar: Report

The appointment of Merčep Tomislav to the post of Secretary of the Municipal Secretariat in Vukovar constituted a usurpation of power and concentration of authority in one person by the President of the Croatian Democratic Community (HDZ) and virtually put under his control the Croatian National Guard (ZNG) and all police and civilian authorities. Surrounded by people of doubtful moral and professional value, former criminals, he and his entourage put under their absolute control everything in the commune of Vukovar, resorting to violence and repressive measures against the citizens of the commune of Vukovar (forcefully breaking into private flats, directing, orally and in writing, persons requiring accommodation to move into abandoned flats, plundering private premises, commandeering private vehicles, taking in citizens by force for interrogation, even execution). Such behaviour on their part created in the city a general psychosis of fear among the Croatian and Serbian population, which led to a mass flight of citizens from the city, totally paralysed the work of the police, the ZNG, and administrative authorities, and created general confusion. As things were totally out of control, Merčep Tomislav was forced out of his position of Secretary of the Municipal Secretariat for National Defence because it was obvious that his activity was leading to general disaster. Following an intervention by Mr. Manolič, Tomislav Merčep was recalled to Zagreb, presumably to assume the post of Assistant Minister for Internal Affairs, as the media reported. His departure had left an extremely confused state of affairs and a vacuum which we tried to deal with by setting up the Crisis Headquarters and filling important vacancies, with appropriate distinction made among the competences of the ZNG, the police, civilian authorities and political parties. As the new arrangement was beginning to fall into place, things were once again complicated when Zagreb began appointing to Vukovar incompetent and unqualified people. Thus, for example, ZNG Commander Stipan Radeš, a qualified and able

man was recalled, a person who enjoyed confidence and was backed by the representative of the Government of the Republic of Croatia in the commune of Vukovar and the Crisis Headquarters of Vukovar, and who had been nominated by the Commander of the Third Brigade, Lieutenant Colonel Vukovac, head of the Crisis Headquarters for Slavonia and Baranja, Franjo Pejić, and Coordinator for Slavonia and Baranja, Mr. Šeks. He was replaced by Mr. Arbanas, with Zadro Blago as his deputy - persons with no qualification for the job whatsoever. This replacement was effected without any explanation at all, on the strict orders of Minister Bebić. At the proposal of the Crisis Headquarters, the post of Acting Secretary of the Municipal Secretariat for National Defence was given, by appointment of the representative of the Government of the Republic of Croatia in Vukovar, to Prof. Rehak Danijel, whom we consider to be qualified for the job. All of a sudden came the official appointment to that post of Gazo Josip, former deputy of Merčep, who had no professional or other qualification (he graduated from secondary school and never did his military service). With the situation in Vukovar in such disarray, we ask for your intervention because the commune of Vukovar is a highly volatile crisis area, in which armed conflicts on a large scale can break out at any minute, and the city is almost under siege. The newly appointed persons continue the policy of Tomislav Merčep and the city is again the victim of terror, armed strife and provocative shoot-outs with potentially unfathomable consequences. The policy pursued so far has created an atmosphere of terror among the Croatian and Serbian population. The Croatian part of the population unanimously denounces such behaviour and feels disgraced and compromised and no longer wishes to bear responsibility for such a policy. As we do not feel in a position to sort things out with our local resources, we are asking you to urgently send here competent people who would help the legal institutions and authorities bring life back to normal.

Representative of the Government of the
Republic of Croatia in the commune of Vukovar
Marin Vidić-Bili

cc: SDP Ivan Račan
HNS Savka D. Kučar
HSLS D. Budiša
HDS M. Veselica

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COMMISSION ON HUMAN RIGHTS
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THE RIGHT OF PEOPLES TO SELF-DETERMINATION AND ITS APPLICATION TO PEOPLES UNDER COLONIAL OR ALIEN DOMINATION OR FOREIGN OCCUPATION

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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

IMPLEMENTATION OF THE PROGRAMME OF ACTION FOR THE SECOND DECADE TO COMBAT RACISM AND RACIAL DISCRIMINATION

GE.92-10689/8644a

Letter dated 10 February 1992 from the Permanent Representative of Yugoslavia to the United Nations Office at Geneva addressed to the Under-Secretary-General for Human Rights

I have the honour to transmit herewith the "Memorandum of the Government of Yugoslavia on the Yugoslav Crisis" of the Federal Executive Council of the Socialist Federal Republic of Yugoslavia, dated 28 January 1992.

I would like to request that necessary arrangements be made to have the text of this information issued as an official document of the forty-eighth session of the Commission on Human Rights under agenda items 7, 9, 11 (a), 12 and 14.

(Signed) Naste Calovski
Ambassador
Permanent Representative

Socialist Federal Republic of Yugoslavia
Federal Executive Council
Belgrade, January 28,1991

M E M O R A N D U M
of the Government of Yugoslavia on the Yugoslav Crisis

In the aim of informing all the United Nations member countries and world public opinion at large on developments in Yugoslavia, particularly during the past year,which have been shaking the country and its inhabitants and causing concern of the entire international community, the Government of Yugoslavia wishes to draw attention to certain specific developments, procedures and behaviour which are of general significance and which could have fatal consequences for many parts of Europe and the world.

Yugoslavia, which has been in existence for 74 years, came into being as a state community of three nations (i.e. Serbs, Croats and Slovenes) in 1918 and after World War II as a federation of six equal nations (the Croats, Macedonians, Montenegrins, Muslims, Serbs and Slovenes) inhabited, in addition to the Yugoslav nations , by members of a number of national minorities. During this period of life together deep and unbreakable links have been established in the economic, cultural , social and personal areas the tearing of which would have very grave consequences.

Two Yugoslav republics,i.e. Slovenia and Croatia, invoking the right of nations to self-determination which was not disputed by the Federation or any of the Yugoslav republics, proclaimed their sovereignty in 1991 and thereby unilaterally , in contravention of the provisions of the Constitution of the common state, and without an agreement having been reached within the framework of the lawful federal bodies in which they too were represented on a parity basis,carried out an act of forcible secession. Under

their influence, Macedonia embarked upon the same path. All this is having a strong impact on the situation in Bosnia-Herzegovina , a republic constituted by three nations.

The Federal Presidency, Assembly and Government as well as the Constitutional Court of Yugoslavia designated these acts as unilateral secession, contravening the Constitution and therefore being null and void at the same time instructing the authorities in the two republics concerned to address all disputed questions together with the other members of the federation in a democratic manner as stipulated by the Constitution, and fully observing the right of nations to self-determination.Instead of doing that, the authorities of the Republic of Slovenia assumed by force the functions of the federal organs on the territory of this Republic (i.e. military affairs, customs, inspection services, etc.). The Government of Yugoslavia requested that the federal bodies continue to exercise their functions on the borders and the Supreme Command of the Yugoslav People's Army decided to deploy 2000 troops along the border with a view to enabling the said federal bodies to perform their duties.

However, the territorial defence units of Slovenia blocked the barracks of the federal army and opened fire on the military convoys heading for the border thereby provoking an armed conflict in which four-fifths of the 60 casualties were soldiers of the federal army who were under orders to gain control over the frontier crossing points without returning fire. The Republic of Slovenia capitalized on this conflict by presenting it abroad as war and aggression against this republic which the Slovenian units had repulsed (a claim that can hardly hold water when it is clear that a well appointed army such as the Yugoslav federal army with several hundred thousand men could have easily gained control of the entire territory of the republic).

Desirous of achieving a peaceful settlement to the Yugoslav crisis or rather of avoiding fresh aremd conflicts and further loss of life and material destruction, the Presidency of SFRY decided to

relocate the army units stationed in Slovenia without prejudicing thereby future relations in the country. The Constitutional Court of Yugoslaviacalled in doubt this decision from the standpoint of the Constitution. The decisions of the Croatian Assembly on secession provoked developments which culminated in an armed conflict that took a tragic toll of several thousand lives, thousands of wounded and irreparable damage to the economy and the population of the country.

Though secessionist forces in Croatia had been operating for some time, problems took a sudden turn for the worse with the electoral victory of the so-called Croatian Democratic Community (HDZ) which won a majority in the Parliament of that republic and which had even in the election campaign relied heavily on national-fascist and Ustashi ideology from the time of the Second World War which caused justifiable fear and mistrust among the Serbs living in those parts of the country.

In order to avoid an escalation of the armed conflict and in view of the lack of readiness on the part of the leadership of the Republic of Slovenia to resolve disputed issues in a peaceful manner and in conformity with the Constitution, the Presidency and Government of Yugoslavia decided to agree to the internationalization of the problem as suggested by the European Community as a regional organization .Even though Yugoslavia was not a member , on the basis of its cooperation with that organization in the past and bearing in mind its orientation towards further expansion, it had hoped that the Community would spare no efforts to find a settlement to the crisis.That was how the Memorandum of Understanding came to be signed by the EEC and Yugoslavia on Brioni Island on July 7, 1991.

The Memorandum had stipulated that " ...the complete territorial integrity, sovereignty and international legal personality of SFR Yugoslavia shall be immediately restored and that to that end all the laws, regulations and measures of the Republic of Slovenia and the Republic of Croatia which are not in accord with the Yugoslav

legal system shall be suspended not later than July 12,1991". It was also decided that the regime provided for by Article 281, point 10 of the Constitution and the Law on Frontier Traffic and relevant regulations that had been in force on the frontiers of SFR Yugoslavia up to June 25,1991 would be restored at the same time.This also implied the payment of customs duties into the federal budget, as well as placing simultaneously the symbols (coat of arms, flag and frontier signs indicating the name of the state) of SFR Yugoslavia and the Republic of Slovenia at the frontier crossing points. The provisions of the same Memorandum also stipulated that all the representatives of the Republic of Slovenia in the federal bodies and agencies would resume their duties so as to actively contribute to the quest for a settlement of the Yugoslav crisis that would be acceptable for all parties concerned.

Hardly any of the provisions of this Memorandum were put into effect by the Slovenian and Croatian sides which continued with their secession in violation of the provisions of the Constitution as well as of the decisions of the Constitutional Court of Yugoslavia declaring null and void the acts of unilateral secession by the Republic of Slovenia and the Republic of Croatia. The authorities of the Republic of Slovenia did not permit the regime which had been in effect prior to June 25,1991 to be restored at the frontiers, they did not permit the return of Yugoslav customs authorities to the border, they did not pay any customs duties into the federal budget and they did not put up the symbols of Yugoslavia at the frontier crossing points. Rather, they continued to implement laws, regulations and measures which were not in conformity with the Constitution of Yugoslavia and even adopted additional regulations and measures which derogated the provisions of the Constitution and federal legislation blocking at the same time the work of federal agencies by walking out of them or failing to participate.

The Government of Yugoslavia had on several occasions drawn attention to the European Community to its failure to honour the

commitments it had undertaken under the Brioni Memorandum or to undertake the appropriate measures to implement those commitments. The so-called Brioni Memorandum also established monitoring missions of the European Community to monitor the truce in Slovenia and later their mandate was extended also to the Republic of Croatia after the outbreak of armed conflicts on its territory.

The Croatian Parliament promulgated a new Constitution which unlike the outgoing one, did not refer to the Serbs in Croatia as one of two constituent peoples in that republic. The direct consequence of the new Constitution was the loss of jobs by many citizens of Serbian nationality in Croatia. At about the same time, the police started to harrass and raid the apartments of Serbs in Croatia (there were about 700 thousand of them), the authorities ordered the demolition of their houses on the grounds that they had been illegally erected but this applied exclusively to houses belonging to Serbs built along the Adriatic coast, automobiles with the licence plates of Serbian towns became the target of attack, etc. Strong paramilitary units were formed which were not disarmed in spite of several decisions to that effect by the Presidency and Government of Yugoslavia and which were to become one of the main pillars of the forces which provoked a bloody civil war in Yugoslavia. Large quantities of weapons were illegally imported from Hungary and other countries with which Croats-members of the ruling party were armed.

The civil war in Yugoslavia has brought in its wake the problem of displaced persons and refugees, especially the problem of Serbs driven out of Croatia . Thus for instance, by decision of the Croatian authorities the evacuation was ordered of 27 Serbian villages in the region of Grubiško Polje which were later burnt to the ground and the villagers subjected to unheard-of suffering and terror.The Serbian people in Croatia who had been the victims of one of the cruellest crimes of genocide in human history (entailing hundreds of thousands of victims) felt that its

existence was in jeopardy due to the discriminatory and coercive measures taken by the new Croatian authorities.

The unconstitutional unilateral decision on secession taken by Croatia invoking its right to self-determination, totally ignored the right of the Serbs in Croatia who constituted the majority population in a number of large areas (e.g.Krajina). This part of the Serbian nation which had for decades been living together with the main body of the Serbian nation in a single state, that of Yugoslavia, could not accept the unilateral secession of Croatia that is, the transformation of the administrative boundaries of Croatia which had not been established by even any internal constitutional-legal document, into international borders whereby this part of the people would be separated from the rest of the people remaining in Yugoslavia.

The lack of readiness on the part of the authorities of the Republic of Croatia to address the problem in line with the Constitution and peacefully provoked armed clashes between the new authorities and the people. By decision of the highest bodies of the federation, the federal army was engaged to protect both nations but it thereby became a party to the war defending itself from the attacks by the Croatian paramilitary forces. In the interest of the defence of the Serbian population in the so-called Serb Krajinas the issue was internationalized and the international community appealled to to support a peaceful and democratic settlement. That is why the Presidency and Government of Yugoslavia agreed not only to the establishment of so-called EC monitoring missions but also to the EEC offer of good offices and assistance in seeking out through a conference on peace and with the participation of the organs of the Federation and all six Yugoslav republics a settlement that would be " acceptable for all the parties in Yugoslavia".

Despite the extensive experience of Lord Carrington as the Conference Chairman and the serious efforts of representatives of the EEC and certain member countries, the Conference on Yugoslavia

was soon to show that the good offices which the Yugoslav parties had accepted with hope and trust were turning into a biased attitude towards the secessionist republics while pressure was brought to bear on the others to acquiesce. The principal course taken by the Conference and backed up by acts and measures of certain EC member states supporting secession, was the dissolution of Yugoslavia and the proclamation of independence of all the republics which would only then,having been divided and become independent, negotiate a future arrangement. With the aim of negating and denying the statehood of Yugoslavia , the only holder of international legal personality, early on in the Conference proceedings, the reprsentatives of the Yugoslav federation were denied the right to speak and present their views and, at a later stage, they ceased to participate in the Conference on Yugoslavia (!) and for some time now in spite of repeated requests that they be allowed to participate, no invitations have been addressed to them.Plenary sessions of the Conference on Yugoslavia were frequently scheduled only one or two days in advance and the drafts of documents submitted for adoption were often distributed among participants only a few hours prior to the beginning of meetings or even at the meetings themselves. The republics that did not endorse the drafts were labelled "uncooperative" and sanctions without precedent in inter-state relations were instituted against them by the EC and individual member countries.

The European Community has suspended the implementation of the Agreement on Cooperation between Yugoslavia and the EC with respect to the "uncooperative" republics even though there are no grounds for doing so according to the provisions of the Agreement (not to mention the unacceptable selective implementation in specific areas of a contracting state). Certain EC member states have been resorting to similar impermissible measures bringing pressure to bear on the "uncooperative" republics of Yugoslavia e.g.the Federal Republic of Germany has suspended without any justification and contrary to all rules of international law, the implementation of a number of bilateral and multilateral

agreements, suspending road, river and air traffic with Yugoslavia (subsequently explaining orally that this suspension does not apply to the "cooperative" republics). The Republic of Italy has suspended a bilateral agreement on air traffic again without any legal grounds.Some other non-member countries have followed suit. The Republic of Austria (respecting the delay for the termination of contract) cancelled three bilateral contracts on economic cooperation in the area of transportation and tourism while Switzerland , without prior notice, suspended the validity of a bilateral convention on the abolition of visas for private travel officially informing the Yugoslav party of this decision on the eve of its coming into effect. Canada and the United States also introduced "economic sanctions": Canada selectively against "uncooperative" republics only and the United States against Yugoslavia as a whole (temporary suspension of rights under the General Scheme of Preferences, restrictions on textile imports, temporary suspension of American technical aid).

In addition to all the measures mentioned above, certain countries (i.e. Germany, Hungary, Italy, Bulgaria) by the statements of their highest officials have lent support to secession, denying the international legal personality of Yugoslavia and expressing territorial pretensions towards it. By providing weapons, military equipment and experts in contravention of Security Council Resolutions 717, 721 and 724, by tolerating the recruitment of mercenaries from among their citizens , by ignoring the competences of federal agencies of Yugoslavia and by other similar internationally impermissible acts (the most flagrant examples are reviewed in Annex I) by wholeheartedly supporting secession, those countries have been flagrantly interfering in the internal affairs of Yugoslavia, undermining its sovereignty and territorial integrity all of which can in addition to damaging Yugoslavia,jeopardize peace and security in this part of Europe and beyond.

One of the most flagrant examples of interference in the internal affairs of Yugoslavia was the election of the President of the

Presidency of Yugoslavia and the recognition of the secessionist republics.Some EEC member-countries and a number of other states insisted under strong pressure in 1990 on the election of Mr. Stjepan Mesić, hitherto representative of Croatia to the Yugoslav Presidency, as the President of that Presidency, a move disputed for moral and ethical reasons. Indeed, he had repeatedly stated in public that he would be the last president of Yugoslavia and that he would act towards its dismantlement. In addition, as the former Prime Minister of the Republic of Croatia he had directly supported secession by, among other things, participating in decisions on illegal arms imports. As a result of the resolute pressure by the above mentioned countries, Stjepan Mesić was eventually elected President of the Presidency in the presence of the Ministerial "Troika" of the European Community, to declare only a few months later addressing a televized session of Parliament of the Republic of Croatia :"I have accomplished my task. Yugoslavia is no more". This embittered Yugoslav public opinion and aroused doubts as to the good intentions of the countries which had insisted so much on Mesic being appointed to such a responsible post.

Some Western European countries which had supported secession most resolutely had frequently emphasized in their statements and propaganda campaigns that Croatia and Slovenia were unequal in Yugoslavia paying no attention to the fact that for years and even in the very year of secession the representatives of the Republic of Croatia occupied top-ranking positions in Yugoslavia including:President of the Yugoslav Presidency; President of the Government of Yugoslavia; Minister of Defence who is in command of the Yugoslav People's Army; Minister of Foreign Affairs; Minister of Finance; Minister of Development as well as a large number of other important federal posts including top-ranking positions in Yugoslav diplomatic missions abroad. Generally speaking, this also applies to Slovenia whose representatives had previously held key posts in the Federation and in the present Yugoslav government the posts of Vice-Premier, Minister of Foreign Trade and of

Transport, and a range of other high-ranking posts, particularly in diplomatic and consular missions.

A number of these officials displayed indeed a high degree of loyalty, but the fact remains that many of them, along with the very leaders of the republics of Croatia and Slovenia, worked assiduously both in the country and abroad to dismantle Yugoslavia and assert secession. However, all this would not have led to the known outcome had there been no support to the secession by particular European countries which, guided by their narrow interests, decided to ignore the common interests of the EC and the UN, as well as the fundamental principles of international law. It is noteworthy that the very countries which were Yugoslavia's enemies and occupying forces, most of them so in both world wars (Germany, Austria, Hungary, Italy, Bulgaria), have been in the forefront and the states that have supported secession in an absolutely impermissible manner and they are the ones which are in various ways endeavouring to present territorial claims to particular parts of Yugoslavia.The Yugoslav government does not wish to claim that this testifies to the reemergence of the "Axis powers" of the World War II,nor that the governments of the countries concerned are thereby promoting further the policy of war hostilities towards Yugoslavia dating back to that period, but it does wish to point up the fact that such action can only exacerbate the antagonisms and animosity among nations inherited from the past, instead of overcoming them through mutual understanding and cooperation, by resolute removal of any vestiges of history as well as any attempts to revive them. It is only in this way that we can join fully in the processes of European integration, which this Government is advocating.

The Hague Declaration of the European Community underscores explicitly that the question of recognition of particular republics as states will be addressed only at the end of the negotiating process ("It is essential for all the parties concerned to participate so as to devise a political solution based on the prospect of recognition for all the republics wishing

it at the end of the negotiating process conducted in good faith"). In direct conflict with the above stand, the EC passed its Brussels Declaration introducing criteria and a procedure for the recognition of the Yugoslav republics which was scheduled to take place on January 15. By this act, the EC called on the Yugoslav republics to apply for recognition (!) and instead of providing good offices it arbitrarily proclaimed itself the official international forum for the recognition of states.Some of the EC member states did not honour even wait for the given deadline, but flauntingly declared their recognition of the independence of the secessionist states almost a month ahead of time (e.g. FR Germany). In the same flaunting manner and wishing to " set an example" for the others, the Vatican followed suit but preceded it by publishing a Memorandum on Yugoslavia openly supporting the secessionist "Catholic" republics. Eventually, and despite the fact that it had entrusted the Arbitration Commission made up of five eminent Presidents of the Constitutional Courts of a number of EC member states with assessing the eligibility of particular republics for recognition, the EC decided without taking any note of the position and assessment of its Arbitration Commission* which republics met the requirements for recognition.

We have noted with satisfaction the constructive and balanced attitude of the permanent members of the Security Council which shoulder the heaviest responsibility for peace and security in the world. China, the Russian Federation and the USA have so far not recognized the secessionist republics, while the United Kingdom and France , notwithstanding their "solidarity" with the other EC member states, have refrained from establishing diplomatic ties. Taking also into account the complexity of the problem and the view that unilateral secession constitutes an abuse of the right

* All five members of the Commission were appointed by the EC. Namely, it had been decided that three members be appointed by the EC and two by the Yugoslav Presidency, and by unanimity (which is in violation of relevant Yugoslav laws which do not envisage any unanimous Presidency decisions).

of peoples to self-determination, the principles of legality and respect for international law, we were able to note with appreciation that almost all the nonaligned and other countries which are guided by the objective standards and principles of international law have abandoned the idea of recognizing the two secessionist Yugoslav republics. Typically, among the first few countries to recognize the secession of Croatia were precisely those which also in the period of World War II had recognized the so-called NDH (the Independent State of Croatia) and maintained diplomatic-consular relations with that fascist quisling entity..

In parallel to all the mentioned efforts in support of secessionism , an organized media campaign has been mounted particularly in the West European media,by the Republic of Croatia and the Republic of Slovenia with the assistance of certain circles in those countries (including statements by highest ranking officials of some of those countries), to demonstrate that Yugoslavia is no more, that the war is the result of the aggression of the Yugoslav People's Army and the Republic of Serbia on the peaceful population of Croatia, that the JNA troops, volunteers and the territorial defence units in the Serbian Krajinas are violating the ceasefire and commiting crimes, while covering up the truth, i.e. that the most atrocious crimes of genocide* and war crimes are being committed precisely by the Croatian paramilitary units and foreign mercenaries and that the ceasefire is being violated by those same forces. Certain world media have even broadcast anonymous and false reports by EC monitors on the alleged crimes committed by the Federal Army, which can best be verified with the very observer missions themselves. It is hard to believe that such false reports are the result of the abuse by any EC monitors, but it is noteworthy that with the deployment of UN officers with the units on both sides

* Having reviewed the atrocious crimes of genocide perpetrated against the Serbian people, the Presidency of SFRY proposed to the Yugoslav Assembly the appointment of a special commission to investigate and determine these crimes.

this form of propaganda warfare against the JNA has stopped, and the ceasefire has been observed much more consistently.

In order to facilitate secession, the authorities of the secessionist republics have inaugurated the term "disassociation", instead of the proper international term of secession. In this way they wanted to ensure not only the secession of the two republics from Yugoslavia which is not disputable if done in a democratic manner and in compliance with the Constitution of the common state, but rather the fragmentation of the whole federation so that the rump federation, i.e. the republics which do not wish to secede, would lose its international-legal personality.

The elaboration and use of this idea was also prompted by a rather biased attitude of the Arbitration Commission which claimed that it was not secession that was at issue but rather "the dissolution of Yugoslavia" (another term unknown in international law). The Commission has further failed to take into account the Federal Constitution and national legislation and the decisions and opinions of the Constitutional Court of Yugoslavia, which has greatly surprised particularly the professional circles.

The above overview of events and procedures related to the Yugoslav crisis clearly shows that, regrettably,Yugoslavia has witnessed the following:

- the recognition of secession as a means of creating a state as opposed to the right to self-determination which can never be exercised to the detriment of others and contrary to the standards of national and international law;

- the gross violation of international law and the principles enshrined in the UN Charter, on the basis of which relations in the international community, and primarily those among different states, have been built and developed for almost half a century ;

- the gross unilateral violation and termination of various international treaties which Yugoslavia has entered into with the EC, its individual member states and other countries ;

- an upsurge of violence, pressure, economic sanctions and other forms of coercion in international relations, as opposed to the principles of cooperation, tolerance, reciprocal respect, sovereign equality of states and non-interference in internal relations;

- gross interference in the internal affairs of a sovereign country, a founding member of the UN, of the CSCE and other international organisations, and thereby the undermining of the sovereignty, territorial integrity and international-legal personality of Yugoslavia.

All these and other above mentioned developments and procedures constitute an open threat to international peace and security and forebode a new world conflict mankind could be drawn into if they are not only unanimously condemned but also most resolutely resisted. In other words, instead of building the so-called new international democratic order, the world could plunge headlong into a cataclysm, as the rule of the muscle and the right of the stronger in international relations may lead to the use of weaponry which has never before been used in the history of mankind.

The Yugoslav government is hopeful that the arrival of UN peacekeeping troops to Yugoslavia, at the invitation of the Presidency of SFRY and with the consent of all the parties to the conflict, will make it possible for the Yugoslav peoples to peacefully and democratically settle all the issues related to their future arrangement, with full respect for the UN Charter, the CSCE instruments and international law and honouring the right of every nation to decide its future destiny by exercising its right to self-determination. The Government also hopes that the Conference on Yugoslavia, through the unswerving personal effort

of Lord Carrington , and once it reverts to its original mandate of good offices, will overcome difficulties and resolutely reject the methods and procedures which are not suited to the present-day relations among countries. The EC and the governments of those countries which have, regardless of their intentions, by their mentioned actions and by unilaterally supporting secession inflicted grave damage on Yugoslavia and its bilateral relations with it, are expected to take the extended hand of cooperation and mutual respect with more understanding and sincerity and in good faith, as they used to do for years prior to the Yugoslav crisis. The Government of Yugoslavia also expects the larger-scale involvement of the UN and the Security Council, and expresses its appreciation for the remarkable contribution made by the UN Secretary-General and his personal envoy Mr. Vance.

Profoundly regretting the numerous sacrifices suffered by the civilian population in the armed clashes at the peak of the Yugoslav crisis as well as the tragic loss of the lives of five members of the EC monitoring mission and a number of foreign journalists, the Government of Yugoslavia hopes that such tragic events will never again occur anywhere in the world. This will be possible only if the principles of legality and the constitutional and international order are fully observed and if power and pressure disappear from both the national and the international scenes.

As one of the founding members of the UN and the Nonaligned Movement,and without disputing the right of every nation to self-determination,Yugoslavia expect all countries to show understanding for its efforts in defence of its sovereignty and international-legal personality, and to abstain from any actions which are posing a threat to our country today and , if tolerated further, may tomorrow prove fatal also for other countries.

The Government of Yugoslavia shall make every effort to see the Yugoslav crisis resolved peacefully and in a democratic manner.

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COMMISSION ON HUMAN RIGHTS
Forty-eighth session
Agenda item 11 (a)

FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING THE QUESTION OF THE PROGRAMME AND METHODS OF WORK OF THE COMMISSION

ALTERNATIVE APPROACHES AND WAYS AND MEANS WITHIN THE UNITED NATIONS SYSTEM FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

Letter dated 10 February 1992 from the Permanent Representative of Yugoslavia to the United Nations Office at Geneva addressed to the Under-Secretary-General for Human Rights

I have the honour to transmit herewith "Basic Data and Information on the Humanitarian Problems of Displaced Persons and Other Persons Afflicted by the Armed Conflicts in Yugoslavia and Supplement No. 1" prepared by the Federal Secretariat for Labour, Health, Veterans' Affairs and Social Policy of Yugoslavia.

I would like to ask you to make the necessary arrangements to have this text issued as an official document of the forty-eighth session of the Commission on Human Rights under agenda item 11 (a).

(Signed) Naste Calovski
Ambassador
Permanent Representative

GE.92-10665/4217B

FEDERAL EXECUTIVE COUNCIL

FEDERAL SECRETARIAT FOR LABOUR, HEALTH, VETERANS 'AFFAIRS AND SOCIAL POLICY

BASIC DATA AND INFORMATION ON THE HUMANITARIAN PROBLEMS OF DISPLACED PERSONS AND OTHER PERSONS AFFLICTED BY THE ARMED CONFLICTS IN YUGOSLAVIA

Belgrade, December 1991

Population displacement and indeed the threat to the very survival of persons who have remained living in the crisis areas are the most drastic manifestations of the severe political, economic and legal crisis and the armed conflicts besetting Yugoslavia. The humanitarian problems attending these developments,their ever increasing magnitude and duration are affecting virtually the entire country.Proceeding from these facts and bearing in mind their long-term and unfathomable consequences,the Federal Executive Council has from the very outset been pointing out that the basic,even though not the only precondition for arresting these developments is a durable and absolute cessation of armed conflicts and that the security,human rights and freedoms of displaced persons and their safe return to their homes must be ensured; throughout this period the Federal Executive Council has been taking measures to secure the necessary humanitarian aid from all available domestic sources and channel it to all areas in need of such aid.

Given the protracted duration of the crisis and armed conflicts, the extent and nature of the required humanitarian aid is becoming increasingly beyond the realistic response capacity of federal,republican and local sources and of the population which has so far shouldered an enormous burden in extending aid. Therefore Yugoslavia highly appreciates the contribution of all countries and humanitarian organizations which have or will join in this effort,as in fact Yugoslavia itself has done whenever such relief was needed by other countries.

The data presented in this survey,which are subject to change,are to serve as a guide for further international humanitarian aid operations so that,with full respect for the principles of humanity, neutrality and impartiality, that aid might respond as efficiently as possible to specific needs and be provided in such a way as to lay the foundations for international assistance and cooperation in the stage of normalization of life and be supportive of long-term development in all areas from which the population is being displaced or in crisis- and armed conflict-stricken areas where the population has remained.

Number, Location and Structure of Displaced Persons and Other Afflicted Persons

1. According to the latest survey of December 13,1991,on the basis of the records maintained by the Red Cross of Yugoslavia, the number of displaced persons in Yugoslavia was about 430 thousand.Of this number 142 thousand were in Serbia(central Serbia 85 thousand, Vojvodina 56 thousand and Kosovo 1 thousand), in Bosnia and Herzegovina around 88 thousand, in Montenegro about 7 thousand (including refugees from Albania) and in Macedonia about 2 thousand,while until October 31,1991,inclusive, since which date no data has been submitted, the number of displaced persons in Croatia amounted to some 170 thousands and in Slovenia around 22 thousand.

The total number of displaced persons also includes about 20 thousand active military personnel and civilians working with the Yugoslav People' s Army and members of their families who have fled from Slovenia and Croatia.

In addition, in the crisis areas of Croatia (Eastern and Western Slavonia, Lika, Banija, Kordun and the Dubrovnik region) there still live a considerable number of persons,estimated at around 250-300 thousand , in a very precarious position due to war operations,the severance of communication links and security risks.

There are some 20 thousand persons in the Lika,Banija and Kordun areas displaced from other parts of Croatia , and the greater area of the Psunj and Papuk mountains in Western Slavonia has been the scene of a massive exodus of some 16-20 thousand refugees for a long time whose evacuation is under way.

It is also estimated that around 100 thousand displaced persons have not been registered and that at least another 100 thousand have fled abroad.

The total number of internally displaced persons is estimated at over half a million.

2. From the aspect of the humanitarian aid required the age and sex distribution of the displaced persons is highly unfavourable as they are predominantly children,women and old and infirm persons (children and youth account for 75 % , cca. 50 % are female).About 12 thousand children up to a year old and about 1.5 thousand pregnant women are among the number registered.

3. 85 % of persons displaced in areas outside Croatia are accommodated with relatives,friends or in other households and the remaining 15 % are in

collective accommodation facilities (hostels, hotels, and similar), while in Croatia 50 % of the displaced persons are in collective accommodation facilities and 50 % in households.

Makeshift accommodation or rather none at all has been available for most of the mass refugee groups in the areas of the mountains Psunj and Papuk in Western Slavonija - they have been in the open for the most part with only a small number sheltered in tents and auxiliary buildings.

Extent and Nature of the Necessary Humanitarian Aid

4. The estimate of the total expenditure required to cover the urgent humanitarian needs of displaced persons is based on the estimated minimum required for bare necessities which ,with the present number of displaced persons, would amount to cca. 1 billion dinars monthly (cca. US $ 45 million at the official rate of exchange).This, however, does not include additional expenses to cover the corresponding needs of persons who have remained in the imperilled areas.The estimate also does not include the expenses of health care, education,social benefits and other.

For a proper perception of the extent and gravity of the problem of securing humanitarian and social aid to the needy population it should be borne in mind that until the crisis and the armed conflicts broke out the level of satisfaction of personal and public consumption in Yugoslavia was relatively high and stable.Yugoslavia provided full national food security, a full or high coverage of the population with various forms of

health care, a high coverage of children and young people by the education system, a stable and comprehensive social benefits scheme.The possibilities for maintaining the standards achieved have been already exhausted to a large extent and are deteriorating with the general trend of negative economic performance. Production,trade and transport have been additionally disrupted due to the armed conflicts and this also hinders or prevents altogether the procurement of supplies (of food,medicaments and other products) and the transfer of personal emoluments and shifts the burden of covering these and other humanitarian needs of the displaced persons to the areas to which they move,and, in particular, to the families which give them refuge.

5. Among the consequences of the armed conflicts and physical devastation is an extremely precarious hygienic and epidemiological situation in parts of the afflicted areas which may well give rise to epidemics of serious infectious diseases.This has still not occurred thanks to the fact that prior to the outbreak of hostilities the share of infectious diseases in the pathology of the Yugoslav population was reduced to the minimum.An important role in preventing epidemics from breaking out has been played by the national health service, which was very well trained and equipped for the prevention and control of epidemics of infectious diseases.Naturally, this is no guarantee that no epidemics will break out of some, in particular intestinal parasitic diseases, in the coming period.

However, the incidence of chronic non-contagious large-scale diseases, which even before the outbreak of armed conflicts were dominant in the pathology of the Yugoslav population, is rapidly on the rise and shall lead in the period ahead to a considerable deterioration of the health status of the population throughout the country, in particular of the population in the crisis areas and of displaced persons.A further growth of mortality and morbidity is to be expected with certainty,primarily in terms of accidents, cardiovascular diseases, mental diseases and others.Due to the sharp decline of the standard of living and the displacement of the population changes are to be expected in its socio-medical pathology, i.e. the increased -morbidity of the elderly, of children, women workers performing difficult physical work, as well as the increased incidence of tuberculosis,respiratory and other diseases of a viral etiology.

Given the previous high level of maternal and child health care,their health condition is not expected to deteriorate,except for population in the crisis areas and displaced persons.

Already now the rehabilitation of the wounded and injured is a formidable problem,and in view of the severity of the consequences of these injuries a larger number of severely disabled persons is to be expected.

The armed conflicts in the country over several months have also resulted in the destruction of a number of health care facilities,primarily

hospitals (buildings and equipment), and in the disruption of the distribution of health personnel.

Types of Assistance Required

6. The most urgently needed humanitarian aid is in:

- food, footwear and basic hygienic requisites in quantities proportionate to the total number of displaced persons and persons living in the crisis areas;

- water and power supply for the population in the crisis areas, provision of accommodation, blankets;

7. Pregnant women, infants, children and youth require special assistance in connection with:

- accommodation and preparation for childbirth;

- food, clothing, vaccines and hygienic supplies for infants and children of other ages up to 14;

- school supplies and accommodation for children from 7 to 14 years of age and secondary school pupils and university students as well as food in collective facilities;

- assistance to hospitals, centres and families with disabled children;

8. In the area of health care the needs include:

- various kinds of medicaments, vaccines and medical supplies;

- blood products and other infusion materials;

- maternal and child mental health care;

- care for the elderly and infirm;

- rehabilitation of disabled persons:

- environmental rehabilitation measures.

9. The above survey indicates only the most pressing problems and the urgent needs of displaced persons and of the population living in the imperilled areas.The question remains outstanding of how shall the long-term humanitarian, social, economic and other consequences of the devastation of war be eliminated and the return of the population to the areas from which they have moved out secured, housing buildings, health and welfare facilities, school establishments, industrial and other enterprises reconstructed, etc. It is quite obvious that given the general state of the Yugoslav economy and particularly the additional adverse effects of the economic sanctions,even after the armed conflicts end, Yugoslavia will be unable to deal with these formidable problems alone.It is hence necessary already now to

initiate action for the provision and direct use of broader and long-term forms of international assistance and cooperation.

Indigenous Sources of Aid

10. The Federal Executive Council earmarked out of the Budget of the Federation on three separate occasions, a total amount of 650 million dinars of aid (or about 30 million US dollars according to the official rate of exchange) distributed among the republics and provinces on the basis of available data on the number of displaced persons. The distribution of this relief has been difficult because of the disruption of the payments system.

The Red Cross of Yugoslavia has procured in medicaments, food, clothing and footwear exceeding 100 million dinars in value (or about 5 million US dollars according to the official exchange rate).

An important role in the relief collecting campaign has been played by the republics and provinces, the communes, work organizations and republican and provincial Red Cross organizations in collaboration with communal organizations, as well as by Yugoslav citizens abroad and religious organizations.

It is not possible to fully monitor the volume and destination of all the relief as part of it is channelled into the republics and provinces and by them to recipients without reporting back to the federal agencies or federal level organizations (e.g.the Red Cross of Yugoslavia).

The greatest burden however has so far been carried by the households which have been hosting the displaced persons.

International Aid

11. Initially, international aid was extended sponatenously through the Red Cross of Yugoslavia and Red Cross organizations in the republics and provinces but it slowly developed into a broad-based international capaign under the auspices of the United Nations.

The federal authorities however do not have complete insight into this international aid either, as this review will show, because this relief like the one coming from indigenous sources is partly channelled directly into the various regions.

11.1. Through the mediation of ICRC, the Yugoslav Red Cross and Red Cross organizations in the republics and provinces, aid had been sent in by mid November by national Red Cross organizations in 19 countries i.e.: Austria, Belgium, Canada, Check and Slovak Republic, Denmark, Finland, France, Germany, Italy, Luxembourg, Netherlands, Norway, Poland, Portugal, Sweden, Switzerland, United Kingdom and USA. The relief from some of these countries was extended also through various humanitarian and religious organizations.

11.2. The Commission of the European Communities joined in the humanitarian relief campaign with an amount of 5 MECU contributed by member countries.

11.3. Thanks to the mediation of the ICRC in Geneva, and under its sponsorship, representatives of the Federal Executive Council, the Federal Secretariat for National Defence and the republics of Croatia and Serbia signed at the end of November a Memorandum of Agreement pledging themselves to comply with and ensure respect of international humanitarian law as enshrined in the Geneva Conventions and Protocols.

12.1. Pursuant to a conclusion of the Federal Executive Council, an appeal for aid was launched through the Executive Committee of the High Commissioner for Refugees,which met with the positive response of the UN Secretary General, urging the international community to extend humanitarian aid following which at the beginning of November an exploratory mission of the UNHCR, UNICEF and ICRC was dispatched to Yugoslavia. On the basis of the report of this mission a decision was taken to launch a campaign for raising about 25 million US dollars to fund the joint programme of UNHCR (about 16.5 million), UNICEF (about 5.1 million) and WHO (about 2.7 million US dollars).

12.2. According to the latest information , the Commission and the EEC member countries envisage the establishment of a plan of European action for humanitarian assistance to the Yugoslav population with financing at the community level of 8 MECU (out of which 2 MECU has been envisaged for aid to Yugoslav citizens in neighbouring countries). With the participation of member countries, 14.6 MECU have so far been collected for this plan.

12.3. In addition to the aid already provided, the International Committee of the Red Cross has launched an additional appeal for aid to Yugoslavia to the total of about 8 million Swiss francs.

13. The Federal Executive Council has addressed itself to the FAO and the WFP with the request that they examine the possibility of joining in the programme of humanitarian assistance to Yugoslavia.

Some Problems in the Implementation of International Aid Programmes

14. The contents and nature of the overall aid required to tackle the problems caused by the crisis and armed conflicts with time become increasingly complex and are transformed from emergency material assistance to more sustained sources and channels for long-term assistance and cooperation with a view to mitigating the effects of destruction and normalizing all walks of life in the regions affected by the armed conflicts. Another issue to tackle which assistance and cooperation will increasingly be required is the ensuring of preconditions for full protection of human rights on the basis of relevant legislation and international instruments both with respect to the civilian population and to the actual participants in the armed conflicts.

To judge by past experience many countries and international organizations both regional and

global ones, would be willing to extend assistance to the afflicted population in Yugoslavia.

However, when it comes to the influx and distribution of relief, sustained and full cooperation between the donors and the competent federal authorities and organizations at the federal level is essential (primarily with the Red Cross of Yugoslavia) so as to avoid unneveness in distribution and even the concentration of aid in one area at the expense of others which would reduce the significance and meaningfulness of the efforts invested by the international community. This is particularly important considering the possibility of other international agencies joining in the future in this relief and cooperation effort.

Such a coordination of efforts would also facilitate and increase the efficiency of the mutual cooperation among various donors of international aid themselves.

FEDERAL EXECUTIVE COUNCIL

FEDERAL SECRETARIAT FOR LABOUR, HEALTH, VETERANS AFFAIRS AND SOCIAL POLICY

BASIC DATA AND INFORMATION ON THE HUMANITARIAN PROBLEMS OF DISPLACED PERSONS AND OTHER PERSONS AFFLICTED BY THE ARMED CONFLICTS IN YUGOSLAVIA

- Supplement No. 1 -

Belgrade, January 1992

In December 1991 the Federal Executive Council - the Federal Secretariat for Labour, Health, Veterans' Affairs and Social Policy - published a brochure entitled "Basic data and information on the humanitarian problems of displaced persons and other persons afflicted by the armed conflicts in Yugoslavia".

The brochure, along with a general presentation of current problems and ways of resolving them, included a number of data which need to be updated from time to time. As this Supplement illustrates, the updates will be provided periodically with the publishing of annexes to the basic text of the brochure.

A change in the number of displaced persons

According to the latest survey the number of internally displaced persons in Yugoslavia currently totals 600 thousand. One should add to this number approximately 100 thousands persons abroad and mostly in the European countries.

The recorded data of the Red Cross of Yugoslavia indicate that on January 22, 1992 the number of displaced persons in Serbia was cca 157.7 thousand (Central Serbia 95 thousand, Vojvodina 61.3 thousand, Kosovo 1.3 thousand, and Metohija), Bosnia and Herzegovina 87,4 thousand, Montenegro 7 thousand (including refugees from Albania) and in Macedonia cca 2.4 thousand.

According to the data from the same source on October 31, 1991 since which date no data has been submitted, the number of displaced persons in Croatia amounted to around 170 thousand and in Slovenia to about 22 thousand. The representatives of the High Commissioner for Refugees (UNHCR) and the International Committee of the Red Cross (ICRC) in Belgrade indicate that according to their sources, on December 31, 1991, the number of displaced persons in Croatia was 311 thousand, and in Slovenia 23 thousand.

A number of displaced persons (about 35 thousand) are in the crisis areas of Croatia (in Eastern and Western Slavonia, Lika, Banija, Kordun and the Dubrovnik area) together with from 250 to 300 thousand local population who are in an extremely grave and complex position.

Necessary humanitarian aid

The protracted nature of displacement and the increase in the number of displaced persons makes the needs in the already defined areas of urgent humanitarian aid relevant also in the coming period. These areas include accommodation, clothing, footwear, sanitary supplies, medical supplies and medical care, fuel supply, etc.

Urgent humanitarian relief is essential not only to the displaced pesons but also to the population in the crisis areas. The Yugoslav Government's 1991 relief aid programme has covered this section of the population extending through the mediation of the Red Cross aid in food, medicines and other essentials, and will continue doing so also in 1992 with the funds to be allocated out of the Budget of the Federation.However, the delivery of aid has become increasingly difficult due to security risks, the disruption of payments operations, the severence of communication links, etc.

The Government of Yugoslavia has raised the issue of assistance to this section of the population with the representatives of the UN agencies involved in the humanitarian aid programme subsequent to a joint and direct insight into and an assessment of the scope and nature of the assistance needed.

The Yugoslav Government is also taking preliminary action to, once conditions are created, proceed to a comprehensive and systematic identification of the needs related to other longer-term forms of

cooperation and assistance geared to the normalization of living and working conditions for the displaced persons and their return to the regions of origin. In its efforts, the Government will need and appreciate international technical and professional as well as financial assistance.

Current data on sources of assistance
a) Indigenous sources

Up to now a broad range of indigenous sources have been resorted to ranging from the households receiving displaced persons to the budget of the federation and the republics providing aid to the displaced persons and other persons afflicted by the armed conflicts. Din 6.5 billion or about USD 60 million according to the new official rate of exchange is to be allocated as part of the funds for extending humanitarian aid out of the 1992 Budget of the Federation.

b) International sources

Owing to increased communications with the donors of international aid and in particular with the representatives of the UNHCR and the ICRC, there is a better insight into the sources, channels and amounts of international humanitarian aid at the moment. Towards the end of December 1991 this aid was valued at about USD 50 million, inclusive of the first announcement of contributions by particular donors to implement the UN appeal which combines the activities of the UNHCR, UNICEF and the WHO.

The approved and implemented aid was of dual

nature and included direct relief to the end-users and financing of attending needs associated with the relief as well as the activities by particular specialized international humanitarian organizations like Medecins sans frontieres, Hopitals sans frontiers, Pharmacists without frontiers, and the like.

Despite increased communications with the donors of international aid and the organisations through which it is distributed, a need has arisen to identify even more favourable arrangements to accommodate for a number of pending issues, to the mutual benefit, and through an even closer cooperation and coordination with the competent authorities in Yugoslavia. One of the most pressing issues among those mentioned remains the monitoring and evaluation of the effects of relief aid by end users to which it is directly supplied.

In this connection, the competent agency of the Federal Government has,in collaboration primarily with the representatives of the UNHCR and the Red Cross of Yugoslavia, proceeded to develop an information system designed to continuously and without delay monitor the sources, flows and feedback of data on the effects of the relief aid provided. In further developing the system foreign technical assistance will be invaluable.

Appointing commissions on humanitarian affairs and displaced persons

On January 15, 1992 the Federal Executive Council decided that a former interministerial working

group, which has from the very outset of the process of displacement of the population, been charged with monitoring the situation, suggesting measures and coordinating activities aimed at providing shelter and refuge to the displaced persons, should develop into a Commission on Humanitarian Affairs and Displaced Persons made up of representatives of a number of competent federal agencies.

The mandate given to the Commission by the Government includes harmonization of the positions of federal administration agencies and coordination - internally and in consultation with international entities - of actions to implement the humanitarian aid policies on the displaced population and the population still living in the crisis areas and the creation of conditions for their return and a lasting normalization of the life of the local population in the crisis areas.

Representatives of the relevant republican and provincial administrative agencies and non-governmental humanitarian organisations as well as researchers or scientific institutions may also take part in the Commission.

Cooperation with UN representatives

The federal agencies and organisations, as well as the Red Cross of Yugoslavia, maintain regular direct and as of late since the establihsment of the Commission on humanitarian affairs and displaced persons regular indirect contacts with the representatives of the UNHCR and other UN agencies, as well as the ICRC. These contacts are

mutually assessed as valuable and have already resulted in some concrete arrangements of relevance for the greatest possible rationalization of the efforts being invested in the country and abroad and aimed at resolving the humanitarian problems faced by displaced persons. They include an understanding on the further development of an information system, joint visits to the crisis areas, simplification of import procedures, customs clearance of foreign aid, etc.

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